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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 BETTY BRINSON and HUGHSTON
21 BRINSON,

22 Defendants.

) Case No. 3:15-CV-359

)
)
) **JOINT CASE MANAGEMENT**
) **REPORT**

) **Conference:**

) **Date: December 4, 2015**

) **Time: 9:00 a.m.**

) **Room: Courtroom 1**

) ***Telephonic Appearance Requested***

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CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: DEPUTY

SUBMITTED IN COMPLIANCE WITH LR 26-1(e)

Plaintiff, United States of America ("United States"), and Defendants, Betty Brinson and Hughston Brinson, by and through their undersigned counsel, hereby jointly submit the following Proposed Joint Case Management Report, pursuant to this Court's November 2, 2015 Minute Order, R. Doc. 14:

1. Statement of the Case. The United States alleges that Defendants, Betty Brinson and Hughston Brinson, violated the Fair Housing Act by placing a series of written advertisements in the *Nevada Appeal* that indicated a preference against renting to families with children, and denying a family with children who responded to one of the advertisements the opportunity to rent a single-family home on the basis of their familial status, in violation of the Fair Housing Act, 42 U.S.C. § 3604(a) and (c). The United States alleges that these actions amount to a pattern or practice of discrimination in violation of 42 U.S.C. § 3614.

The United States alleges that since at least March 2013, Ms. Brinson has repeatedly placed or caused to be placed advertisements in the print and online classifieds section indicating a preference against renting to families with children. Those advertisements include, in relevant part: "3 BD. 1 or 2 adults," which was placed three times; "3 or 5 BD. 2 people pref.;" and at least three advertisements for "Studios" for "1 or 2 adults." The United States further alleges that when Barbie Tesc called Ms. Brinson in response to the "3 or 5 BD. 2 people pref." advertisement, Ms. Brinson denied her the opportunity to view the dwelling because she had children.

Defendants admit that Ms. Brinson orally communicated with a representative of the *Nevada Appeal* newspaper regarding placing advertisements for dwelling units, but deny that she told that representative to place any advertisement for "1 or 2 adults." Defendants further

1 admit that Ms. Brinson spoke with Ms. Tese about one of the properties advertised, but denies
2 that she refused to show the dwelling unit to her on the basis of her familial status.

3 2. Principal Factual and Legal Disputes. The primary disputes in this matter are
4 factual. There are factual disputes as to the substance of Ms. Brinson's communications with
5 representatives of the *Nevada Appeal* newspaper relating to advertisements for rental units.
6 There is also a factual dispute as to the substance of Ms. Tese's phone call to Ms. Brinson.
7

8 3. Jurisdictional Bases for the Case. This Court has jurisdiction over this action
9 pursuant to 28 U.S.C. §1345, and 42 U.S.C. §§ 3612(o) and 3614(a).

10 4. Description of parties who have not been served. All parties have been served.
11

12 5. Additional parties. No party expects to add additional parties to the case or
13 otherwise amend the pleadings.

14 6. Contemplated motions. No motions are contemplated by the parties at this time.
15 The parties have agreed on the terms of a stipulated protective order and counsel for the United
16 States plans to file it with the Court prior to the date of the Case Management Conference.

17 7. Pending motions. No motions are pending at this time.
18

19 8. Related cases. There are no related cases pending before other courts or judges.

20 9. Discovery supplementation. The parties expect to conduct discovery pursuant to,
21 and within the scope of the Federal Rules of Civil Procedure and the Local Rules of this Court.
22 No further supplementation is required. The parties expect to conduct written discovery and
23 conduct party and third-party depositions.
24

25 10. ESI. The parties are currently negotiating an ESI stipulation, and expect to file it
26 with the Court once agreement is reached.
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1 11. Privilege or Work Product. The parties do not anticipate issues related to claims
2 of privilege or work product, but if such issues arise, will attempt to resolve them prior to
3 requesting the Court's intervention.

4 12. Discovery Plan. Pursuant to FRCP 26(f) and Local Rule 26-1(a)(1), a telephonic
5 meeting was held on October 28, 2015, attended by Aurora Bryant, Esq., for the United States,
6 attorney for Plaintiff, and J. Robert Smith, Esq. of Holland & Hart, LLP, attorneys for
7 Defendants. Pursuant to Local Rule 26-1, it is hereby stipulated that the following schedule
8 govern the litigation of these actions. The schedule below is calculated under Local Rule 26-
9 1(e) from October 8, 2015, the date Defendants filed their Answer, R. Doc. 12.

- 10
11 a. Completion of discovery: April 5, 2016.
12 b. Filing motion to amend or join parties: January 6, 2016.
13 c. Interim status report: February 5, 2016.
14 d. Expert disclosure deadline: February 5, 2016.
15 e. Rebuttal expert disclosure deadline: 30 days after disclosure of expert, or
16 March 6, 2015, whichever is earlier.
17 f. Filing dispositive motions: May 5, 2016.
18 g. Filing pretrial order: June 3, 2016, or within 30 days of the date of
19 issuance of an order ruling upon any dispositive motion, whichever is later.
20

21 13. Jury trial. A jury trial was requested. The request is not contested.
22

23 14. Length of trial. The parties anticipate trial to last three (3) days.
24

25 15. Settlement. The parties have discussed settlement and are willing to continue
26 discussions, but no settlement terms have been agreed upon at this time.
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1 16. ~~Other items.~~ Defendants' counsel, J. Robert Smith, is scheduled to take a three-
2 month sabbatical from June 1, 2016 through August, 31, 2016. The parties have agreed that
3 the trial of this matter should not be scheduled until after November 1, 2016.
4


5 DATED this 24th day of November, 2015.

DATED this 23rd day of November, 2015.

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7 VANTA GUPTA
8 Principal Deputy Assistant Attorney General
9 Civil Rights Division

By: 
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Attorneys for Plaintiff
United States of America


IT IS SO ORDERED
U.S. MAGISTRATE JUDGE

DATED: December 4, 2015